

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RFA No.3120 of 2016 (O&M)

Date of decision: 23.09.2016

Bharta (deceased) and others

... Appellants

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ashok Kumar Sehrawat, Advocate for the appellants.
Mr. Shivendra Swaroop, AAG, Haryana.

ARUN PALLI J. (Oral)

CM-8556-CI-2016

This is an application for condonation of delay of 1762 days in filing the accompanying appeal.

All what has been urged by learned counsel for the applicants is that the matter in issue is squarely covered by the judgment, dated 28.01.2016, rendered by this Court in RFA No.1838 of 2011 – **[State of Haryana and others v. Ramphal]** and other connected matters, vide which in the appeals arising out of the same acquisition, this court had enhanced the compensation to Rs.15,52,500/- per acre.

Notice.

On the asking of the Court, Mr. Shivendra Swaroop, AAG, Haryana, present in Court, accepts notice on behalf of the official respondents.

The factual position, as set out above, is not disputed by learned State counsel.

I have heard learned counsel for the parties and perused the record.

In the wake of the decisions of the Hon'ble Supreme

Court in Imrat Lal and others v. Land Acquisition Collector and others, 2015(2) RCR (Civil) 437 and Dhiraj Singh (D) Tr. LRs. v. Haryana State and others, 2015 (2) RCR (Civil) 507, delay of 1762 days in filing the accompanying appeal is condoned. However, for the period of delay the applicants shall not be entitled to interest on the enhanced compensation.

CM stands disposed of.

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For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed subject to all just exceptions. Consequently, leave is granted to the LRs of late Bharta and Rajwant (appellant No.1 and 5), who are stated to have passed away on 11.01.2016 and 27.11.2009, during the pendency of the reference, to institute and maintain the present appeal.

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For, the learned counsel for the parties are *ad idem* that the matter in issue is squarely covered by the decision rendered by this Court in Ramphal's case (supra), the present appeal is disposed of in the same terms. However, the appellants shall not be entitled to interest for the period of delay in filing the appeal i.e. 1762 days.

September 23, 2016

dharamvir

(Arun Palli)
Judge

Whether speaking / reasoned:

YES/NO

Whether Reportable:

YES/NO